

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JUNE G. ANDERS,

PLAINTIFF,

vs.

DOLGENCORP, L.L.C., et al.,

DEFENDANTS.

) CASE NO. 5:11CV2098
)
) JUDGE SARA LIOI
)
) **MEMORANDUM OPINION**
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Before the Court is the report and recommendation of the Magistrate Judge in the above-entitled action. (Doc. No. 36.) Under the relevant statute:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. [. . .]

28 U.S.C. § 636(b)(1)(C).

The R&R was filed on January 10, 2013, and was immediately served electronically. *See* Fed. R. Civ. P. 5(b)(2)(E). Under Fed. R. Civ. P. 6(a)(1) and (d), when computing time for filing objections, January 10th is excluded, every day thereafter is counted, and three additional days are added. Therefore, objections were due on January 27, 2013, which fell on a Sunday. Under Rule 6(a)(1)(C), that extended the filing deadline to January 28, 2013.

No objections were filed on or before that deadline. The failure to file written objections to a Magistrate Judge's report and recommendation constitutes a waiver of a de novo

determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the Magistrate Judge's report and recommendation and accepts the same. Accordingly, the Court **GRANTS** defendants' motion for summary judgment (Doc. No. 25) on plaintiff's sole remaining claim of age discrimination under Ohio law and **DISMISSES** the same with prejudice.

IT IS SO ORDERED.

Dated: January 31, 2013



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE